

ASSEMBLY BILL

No. 1111

Introduced by Assembly Member Wieckowski

February 22, 2013

An act to amend Section 68752 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1111, as introduced, Wieckowski. Courts: subpoenas.

The California Constitution establishes the Commission on Judicial Performance and the Judicial Council. Existing law authorizes the commission to investigate the conduct or performance of any retired judge serving on senior judge status pursuant to rules adopted by the Judicial Council. In the course of an investigation described above, the commission or special masters appointed by the Supreme Court may, among other things, issue subpoenas for the attendance of witnesses and the production of relevant materials and testimony, as specified. Existing law provides that if a person refuses to comply with the subpoena, the commission or the masters may petition a superior court, as specified, for an order compelling the person to attend or testify or to produce the writings or things required by the subpoena. Existing law provides that if the person fails to obey the order, that person shall be punishable for contempt of court.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68752 of the Government Code is
2 amended to read:
3 68752. If ~~any~~ a person refuses to attend or testify or produce
4 any writings or things required by ~~any such~~ a subpoena *described*
5 *in Section 67850*, the commission or the masters may petition the
6 superior court for the county in which the hearing is pending for
7 an order compelling ~~such that~~ that person to attend ~~and~~ or testify or
8 produce the writings or things required by the subpoena before the
9 commission or the masters. The court shall order ~~such the~~ the person
10 to appear before it at a specified time and place and then and there
11 show cause why he *or she* has not attended or testified or produced
12 the writings or things as required. A copy of the order shall be
13 served upon him *or her*. If it appears to the court that the subpoena
14 was regularly issued, the court shall order ~~such the~~ the person to appear
15 before the commission or the masters at the time and place fixed
16 in the order and testify or produce the required writings or things.
17 Upon failure to obey the order, ~~such that~~ that person shall be ~~dealt with~~
18 as *punishable* for contempt of court.